

104TH CONGRESS
2D SESSION

H. R. 3907

To facilitate the 2002 Winter Olympic Games in the State of Utah at the Snowbasin Ski Area, to provide for the acquisition of lands within the Sterling Forest Reserve, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1996

Mr. HANSEN (for himself and Mr. MARTINI) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To facilitate the 2002 Winter Olympic Games in the State of Utah at the Snowbasin Ski Area, to provide for the acquisition of lands within the Sterling Forest Reserve, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—SNOWBASIN SKI AREA**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “2002 Winter Olympic
6 Games Facilitation Act”.

7 **SEC. 102. FINDINGS AND DETERMINATION.**

8 (a) FINDINGS.—The Congress finds that—

1 (1) in June 1995, Salt Lake City, Utah, was
2 selected to host the 2002 Winter Olympic Games,
3 and the Snowbasin Ski Resort, which is owned by
4 the Sun Valley Company, was identified as the site
5 of six Olympic events: the men's and women's
6 downhills, men's and women's Super-Gs, and men's
7 and women's combined downhills;

8 (2) in order to adequately accommodate these
9 events, which are traditionally among the most pop-
10 ular and heavily attended at the Winter Olympic
11 Games, major new skiing, visitor, and support facili-
12 ties will have to be constructed at the Snowbasin Ski
13 Resort on land currently administered by the United
14 States Forest Service;

15 (3) while certain of these new facilities can be
16 accommodated on National Forest land under tradi-
17 tional Forest Service permitting authorities, the base
18 area facilities necessary to host visitors to the ski
19 area and the Winter Olympics are of such a nature
20 that they should logically be located on private land;

21 (4) land exchanges have been routinely utilized
22 by the Forest Service to transfer base area lands to
23 many other ski areas, and the Forest Service and
24 the Sun Valley Company have concluded that a land
25 exchange to transfer base area lands at the

1 Snowbasin Ski Resort to the Sun Valley Company is
2 both logical and advisable;

3 (5) an environmental impact statement and nu-
4 merous resource studies have been completed by the
5 Forest Service and the Sun Valley Company for the
6 lands proposed to be transferred to the Sun Valley
7 Company by this title;

8 (6) the Sun Valley Company has assembled
9 lands with outstanding environmental, recreational,
10 and other values to convey to the Forest Service in
11 return for the lands it will receive in the exchange,
12 and the Forest Service has identified such lands as
13 desirable for acquisition by the United States; and

14 (7) completion of a land exchange and approval
15 of a development plan for Olympic related facilities
16 at the Snowbasin Ski Resort is essential to ensure
17 that all necessary facilities can be constructed, test-
18 ed for safety and other purposes, and become fully
19 operational in advance of the 2002 Winter Olympics
20 and earlier pre-Olympic events.

21 (b) DETERMINATION.—The Congress has reviewed
22 the previous analyses and studies of the lands to be ex-
23 changed and developed pursuant to this title, and has
24 made its own review of these lands and issues involved,
25 and on the basis of those reviews hereby finds and deter-

1 mines that a legislated land exchange and development
2 plan approval is necessary to meet Olympic goals and
3 timetables.

4 **SEC. 103. SNOWBASIN LAND EXCHANGE.**

5 (a) PURPOSE AND INTENT.—The purpose of this sec-
6 tion is to authorize and direct the Secretary to exchange
7 1,320 acres of federally-owned land within the Cache Na-
8 tional Forest in the State of Utah for lands of approxi-
9 mately equal value owned by the Sun Valley Company. It
10 is the intent of Congress that this exchange be completed
11 without delay within the period specified by subsection (d).

12 (b) DEFINITIONS.—As used in this section:

13 (1) The term “Sun Valley Company” means the
14 Sun Valley Company, a division of Sinclair Oil Cor-
15 poration, a Wyoming Corporation, or its successors
16 or assigns.

17 (2) The term “Secretary” means the Secretary
18 of Agriculture.

19 (c) EXCHANGE.—

20 (1) FEDERAL SELECTED LANDS.—(A) Not later
21 than 45 days after the final determination of value
22 of the Federal selected lands, the Secretary shall,
23 subject to this section, transfer all right, title, and
24 interest of the United States in and to the lands re-

1 ferred to in subparagraph (B) to the Sun Valley
2 Company.

3 (B) The lands referred to in subparagraph (A)
4 are certain lands within the Cache National Forest
5 in the State of Utah comprising 1,320 acres, more
6 or less, as generally depicted on the map entitled
7 “Snowbasin Land Exchange—Proposed” and dated
8 October 1995.

9 (2) NON-FEDERAL OFFERED LANDS.—Upon
10 transfer of the Federal selected lands under para-
11 graph (1), and in exchange for those lands, the Sun
12 Valley Company shall simultaneously convey to the
13 Secretary all right, title and interest of the Sun Val-
14 ley Company in and to so much of the following of-
15 fered lands which have been previously identified by
16 the United States Forest Service as desirable by the
17 United States, or which are identified pursuant to
18 subparagraph (E) prior to the transfer of lands
19 under paragraph (1), as are of approximate equal
20 value to the Federal selected lands:

21 (A) Certain lands located within the exte-
22 rior boundaries of the Cache National Forest in
23 Weber County, Utah, which comprise approxi-
24 mately 640 acres and are generally depicted on

1 a map entitled “Lightning Ridge Offered
2 Lands”, dated October 1995.

3 (B) Certain lands located within the Cache
4 National Forest in Weber County, Utah, which
5 comprise approximately 635 acres and are gen-
6 erally depicted on a map entitled “Wheeler
7 Creek Watershed Offered Lands—Section 2”
8 dated October 1995.

9 (C) Certain lands located within the exte-
10 rior boundaries of the Cache National Forest in
11 Weber County, Utah, and lying immediately ad-
12 jacent to the outskirts of the City of Ogden,
13 Utah, which comprise approximately 800 acres
14 and are generally depicted on a map entitled
15 “Taylor Canyon Offered Lands”, dated October
16 1995.

17 (D) Certain lands located within the exte-
18 rior boundaries of the Cache National Forest in
19 Weber County, Utah, which comprise approxi-
20 mately 2,040 acres and are generally depicted
21 on a map entitled “North Fork Ogden River—
22 Devil’s Gate Valley”, dated October 1995.

23 (E) Such additional offered lands in the
24 State of Utah as may be necessary to make the
25 values of the lands exchanged pursuant to this

1 section approximately equal, and which are ac-
2 ceptable to the Secretary.

3 (3) SUBSTITUTION OF OFFERED LANDS.—If
4 one or more of the precise offered land parcels iden-
5 tified in subparagraphs (A) through (D) of para-
6 graph (2) is unable to be conveyed to the United
7 States due to appraisal or other reasons, or if the
8 Secretary and the Sun Valley Company mutually
9 agree and the Secretary determines that an alter-
10 native offered land package would better serve long
11 term public needs and objectives, the Sun Valley
12 Company may simultaneously convey to the United
13 States alternative offered lands in the State of Utah
14 acceptable to the Secretary in lieu of any or all of
15 the lands identified in subparagraphs (A) through
16 (D) of paragraph (2).

17 (4) VALUATION AND APPRAISALS.—(A) Values
18 of the lands to be exchanged pursuant to this section
19 shall be equal as determined by the Secretary utiliz-
20 ing nationally recognized appraisal standards and in
21 accordance with section 206 of the Federal Land
22 Policy and Management Act of 1976. The appraisal
23 reports shall be written to Federal standards as de-
24 fined in the Uniform Appraisal Standards for Fed-
25 eral Land Acquisitions. If, due to size, location, or

1 use of lands exchanged under this section, the values
2 are not exactly equal, they shall be equalized by the
3 payment of cash equalization money to the Secretary
4 or the Sun Valley Company as appropriate in ac-
5 cordance with section 206(b) of the Federal Land
6 Policy and Management Act of 1976 (43 U.S.C.
7 1716(b)). In order to expedite the consummation of
8 the exchange directed by this section, the Sun Valley
9 Company shall arrange and pay for appraisals of the
10 offered and selected lands by a qualified appraiser
11 with experience in appraising similar properties and
12 who is mutually acceptable to the Sun Valley Com-
13 pany and the Secretary. The appraisal of the Fed-
14 eral selected lands shall be completed and submitted
15 to the Secretary for technical review and approval
16 no later than 120 days after the date of enactment
17 of this Act, and the Secretary shall make a deter-
18 mination of value not later than 30 days after re-
19 ceipt of the appraisal. In the event the Secretary
20 and the Sun Valley Company are unable to agree
21 to the appraised value of a certain tract or tracts
22 of land, the appraisal, appraisals, or appraisal issues
23 in dispute and a final determination of value shall
24 be resolved through a process of bargaining or sub-
25 mission to arbitration in accordance with section

1 206(d) of the Federal Land Policy and Management
2 Act of 1976 (43 U.S.C. 1716(d)).

3 (B) In order to expedite the appraisal of the
4 Federal selected lands, such appraisal shall—

5 (i) value the land in its unimproved state,
6 as a single entity for its highest and best use
7 as if in private ownership and as of the date of
8 enactment of this Act;

9 (ii) consider the Federal lands as an inde-
10 pendent property as though in the private mar-
11 ketplace and suitable for development to its
12 highest and best use;

13 (iii) consider in the appraisal any encum-
14 brance on the title anticipated to be in the con-
15 veyance to Sun Valley Company and reflect its
16 effect on the fair market value of the property;
17 and

18 (iv) not reflect any enhancement in value
19 to the Federal selected lands based on the exist-
20 ence of private lands owned by the Sun Valley
21 Company in the vicinity of the Snowbasin Ski
22 Resort, and shall assume that private lands
23 owned by the Sun Valley Company are not
24 available for use in conjunction with the Fed-
25 eral selected lands.

1 (d) GENERAL PROVISIONS RELATING TO THE EX-
2 CHANGE.—

3 (1) IN GENERAL.—The exchange authorized by
4 this section shall be subject to the following terms
5 and conditions:

6 (A) RESERVED RIGHTS-OF-WAY.—In any
7 deed issued pursuant to subsection (c)(1), the
8 Secretary shall reserve in the United States a
9 right of reasonable access across the conveyed
10 property for public access and for administra-
11 tive purposes of the United States necessary to
12 manage adjacent federally-owned lands. The
13 terms of such reservation shall be prescribed by
14 the Secretary within 30 days after the date of
15 the enactment of this Act.

16 (B) RIGHT OF RESCISSION.—This section
17 shall not be binding on either the United States
18 or the Sun Valley Company if, within 30 days
19 after the final determination of value of the
20 Federal selected lands, the Sun Valley Company
21 submits to the Secretary a duly authorized and
22 executed resolution of the Company stating its
23 intention not to enter into the exchange author-
24 ized by this section.

1 (2) WITHDRAWAL.—Subject to valid existing
2 rights, effective on the date of enactment of this Act,
3 the Federal selected lands described in subsection
4 (c)(1) and all National Forest System lands cur-
5 rently under special use permit to the Sun Valley
6 Company at the Snowbasin Ski Resort are hereby
7 withdrawn from all forms of appropriation under the
8 public land laws (including the mining laws) and
9 from disposition under all laws pertaining to mineral
10 and geothermal leasing.

11 (3) DEED.—The conveyance of the offered
12 lands to the United States under this section shall
13 be by general warranty or other deed acceptable to
14 the Secretary and in conformity with applicable title
15 standards of the Attorney General of the United
16 States.

17 (4) STATUS OF LANDS.—Upon acceptance of
18 title by the Secretary, the land conveyed to the Unit-
19 ed States pursuant to this section shall become part
20 of the Wasatch or Cache National Forests as appro-
21 priate, and the boundaries of such National Forests
22 shall be adjusted to encompass such lands. Once
23 conveyed, such lands shall be managed in accordance
24 with the Act of March 1, 1911, as amended (com-
25 monly known as the “Weeks Act”), and in accord-

1 ance with the other laws, rules and regulations ap-
2 plicable to National Forest System lands. This para-
3 graph does not limit the Secretary's authority to ad-
4 just the boundaries pursuant to section 11 of the
5 Act of March 1, 1911 ("Weeks Act"). For the pur-
6 poses of section 7 of the Land and Water Conserva-
7 tion Fund Act of 1965 (16 U.S.C. 4601–9), the
8 boundaries of the Wasatch and Cache National For-
9 ests, as adjusted by this section, shall be considered
10 to be boundaries of the forests as of January 1,
11 1965.

12 (e) PHASE FACILITY CONSTRUCTION AND OPER-
13 ATION.—

14 (1) PHASE I FACILITY FINDING AND REVIEW.—

15 (A) The Congress has reviewed the Snowbasin Ski
16 Area Master Development Plan dated October 1995
17 (hereinafter in this subsection referred to as the
18 "Master Plan"). On the basis of such review, and re-
19 view of previously completed environmental and
20 other resource studies for the Snowbasin Ski Area,
21 Congress hereby finds that the "Phase I" facilities
22 referred to in the Master Plan to be located on Na-
23 tional Forest System land after consummation of the
24 land exchange directed by this section are limited in
25 size and scope, are reasonable and necessary to ac-

1 commodate the 2002 Olympics, and in some cases
2 are required to provide for the safety of skiing com-
3 petitors and spectators.

4 (B) Within 60 days after the date of enactment
5 of this Act, the Secretary and the Sun Valley Com-
6 pany shall review the Master Plan insofar as such
7 plan pertains to Phase I facilities which are to be
8 constructed and operated wholly or partially on Na-
9 tional Forest System lands retained by the Secretary
10 after consummation of the land exchange directed by
11 this section. The Secretary may modify such Phase
12 I facilities upon mutual agreement with the Sun Val-
13 ley Company or by imposing conditions pursuant to
14 paragraph (2) of this subsection.

15 (C) Within 90 days after the date of enactment
16 of this Act, the Secretary shall submit the reviewed
17 Master Plan on the Phase I facilities, including any
18 modifications made thereto pursuant to subpara-
19 graph (B), to the Committee on Energy and Natural
20 Resources of the United States Senate and the Com-
21 mittee on Resources of the United States House of
22 Representatives for a 30-day review period. At the
23 end of the 30-day period, unless otherwise directed
24 by Act of Congress, the Secretary may issue all nec-
25 essary authorizations for construction and operation

1 of such facilities or modifications thereof in accord-
2 ance with the procedures and provisions of para-
3 graph (2) of this subsection.

4 (2) PHASE I FACILITY APPROVAL, CONDITIONS,
5 AND TIMETABLE.—Within 120 days of receipt of an
6 application by the Sun Valley Company to authorize
7 construction and operation of any particular Phase
8 I facility, facilities, or group of facilities, the Sec-
9 retary, in consultation with the Sun Valley Com-
10 pany, shall authorize construction and operation of
11 such facility, facilities, or group of facilities, subject
12 to the general policies of the Forest Service pertain-
13 ing to the construction and operation of ski area fa-
14 cilities on National Forest System lands and subject
15 to reasonable conditions to protect National Forest
16 System resources. In providing authorization to con-
17 struct and operate a facility, facilities, or group of
18 facilities, the Secretary may not impose any condi-
19 tion that would significantly change the location,
20 size, or scope of the applied for Phase I facility un-
21 less—

22 (A) the modification is mutually agreed to
23 by the Secretary and the Sun Valley Company;
24 or

1 (B) the modification is necessary to protect
2 health and safety.

3 Nothing in this subsection shall be construed to af-
4 fect the Secretary's responsibility to monitor and as-
5 sure compliance with the conditions set forth in the
6 construction and operation authorization.

7 (3) CONGRESSIONAL DIRECTIONS.—Notwith-
8 standing any other provision of law, Congress finds
9 that consummation of the land exchange directed by
10 this section and all determinations, authorizations,
11 and actions taken by the Secretary pursuant to this
12 section pertaining to Phase I facilities on National
13 Forest System lands, or any modifications thereof,
14 to be nondiscretionary actions authorized and di-
15 rected by Congress and hence to comply with all pro-
16 cedural and other requirements of the laws of the
17 United States. Such determinations, authorizations,
18 and actions shall not be subject to administrative or
19 judicial review.

20 (f) NO PRECEDENT.—Nothing in subsection
21 (c)(4)(B) of this section relating to conditions or limita-
22 tions on the appraisal of the Federal lands, or any provi-
23 sion of subsection (e), relating to the approval by the Con-
24 gress or the Forest Service of facilities on National Forest

1 System lands, shall be construed as a precedent for subse-
2 quent legislation.

3 **TITLE II—STERLING FOREST**

4 **SEC. 201. FUNDING FOR PALISADES INTERSTATE PARK** 5 **COMMISSION.**

6 The Secretary of the Interior is authorized to provide
7 funding to the Palisades Interstate Park Commission to
8 be used for the acquisition of lands and interests in lands
9 within the area generally depicted on the map entitled
10 “Boundary Map, Sterling Forest Reserve”, numbered
11 SFR–60,001 and dated July 1, 1994. There are author-
12 ized to be appropriated for purposes of this section not
13 more than \$17,500,000. No funds made available under
14 this section may be used for the acquisition of any lands
15 or interest in lands without the consent of the owner there-
16 of.

17 **SEC. 202. LAND EXCHANGE.**

18 The Secretary of the Interior is authorized to ex-
19 change unreserved unappropriated Federal lands under
20 the administrative jurisdiction of the Secretary for the
21 lands comprising approximately 2,220 acres depicted on
22 the map entitled “Sterling Forest, Proposed Sale of Ster-
23 ling Forest Lands” and dated July 25, 1996. The Sec-
24 retary shall consult with the Governor of any State in
25 which such unreserved unappropriated lands are located

1 prior to carrying out such exchange. The lands acquired
2 by the Secretary under this section shall be transferred
3 to the Palisades Interstate Park Commission to be in-
4 cluded within the Sterling Forest Reserve. The lands ex-
5 changed under this section shall be of equal value, as de-
6 termined by the Secretary utilizing nationally recognized
7 appraisal standards. The authority to exchange lands
8 under this section shall expire on the date 18 months after
9 the date of enactment of this Act.

○